

PATENT  
Docket No.514162000120

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Label No.: EL968417633US

Date of Deposit: December 1, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: MS Art Unit 1636, Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450.

Victoria Wilson

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Che-Kun James SHEN

Serial No.: 10/014,220

Filing Date: November 9, 2001

For: HS-40 ENHANCER-CONTAINING  
VECTOR IN TRANSGENIC ANIMALS

Examiner: S. Kaushal

Group Art Unit: 1636

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97**

MS Art Unit 1636  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

12/05/2003 MDAMTE1 00000160 031952 10014220  
02 FC:1806 180.00 DA

This Supplemental Information Disclosure Statement is submitted:

- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☒ **After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.**
  - ☐ A fee is required. A check in the amount of \* is enclosed.
  - ☒ **A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.**
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \* is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.


Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **514162000120**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 1, 2003

Respectfully submitted,

By:   
Julia R. Rosenthal  
Registration No. 54,410

Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-7000  
Facsimile: (415) 268-7522

Form PTO-1449	Docket Number 514162000120	Application Number 10/014,220
INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Applicant Che-Kun James SHEN	
(Use several sheets if necessary)	Filing Date November 9, 2001	Group Art Unit 1636
	Mailing Date December 1, 2003	



## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO

## OTHER DOCUMENTS

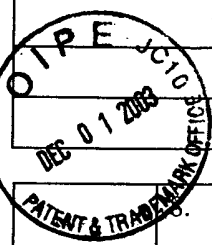
(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	1.	Robert J. Wall "Pronuclear Microinjection." <i>Cloning and Stem Cells</i> . 3, No.4: 209-220, (2001).
	2.	Piroska E. Szabó et al. "The Chicken $\beta$ -Globin Insulator Element Conveys Chromatin Boundary Activity but not Imprinting at the Mouse Igf2/H19 Domain." <i>Development</i> 129, 897-904 (2002).
	3.	Tiffany F. Frazar et al. "Variagated Expression form the Murine Band 3 (AE1) Promoter in Transgenic Mice is Associated with mRNA Transcript Initiation at Upstream Start Sites and Can Be Suppressed by the Addition of the Chicken $\beta$ -Globin 5' HS4 Insulator Element." <i>Molecular and Cellular Biology</i> , 23, No.14: 4753-4763 (2003).
	4.	Wendy Potts, et al. "Chicken $\beta$ -Globin 5' HS4 Insulators Function to Reduce Variability in Transgenic Founder Mice." <i>Biochemical and Biophysical Research Communications</i> , 273: 1015-1018 (2002).
	5.	Johan van der Vlag et al. "Transcriptional Repression Medicated by Polycomb Group Proteins and other Chromatin-Associated Repressors is Selectively Blocked by Insulators." <i>The Journal of Biological Chemistry</i> , 275, No.1:697-704 (2000).
	6.	David A. Willoughby et al. "An Alu Element form the K18 Gene Confers Position-Independent Expression in Transgenic Mice." <i>The Journal of Biological Chemistry</i> , 275, No.2:759-768 (2000).
	7.	Stephanie J. Namciu et al. "Human Matrix Attachment Regions Insulate Transgene Expression form Chromosomal Position Effects in Drosophila Melanogaster." <i>Molecular and Cellular Biology</i> , 18, No. 4: 2382-2391 (1998).

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449		Docket Number 514162000120	Application Number 10/014,220
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>		Applicant Che-Kun James SHEN	
		Filing Date November 9, 2001	Group Art Unit 1636
		Mailing Date December 1, 2003	
		Jay H. Chung et al. "Characterization of the Chicken $\beta$ -Globin Insulator." <i>Proc. Natl. Acad. Sci.</i> 94:575-580 (1997).	
9.		Michael J. Pikaart et al. "Loss of Transcriptional Activity of a Transgene is Accompanied by DNA Methylation and Histone Deacetylation and is Prevented by Insulators." <i>Genes and Development</i> 12:2852-2862 (1998).	

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	